

SEVENTEENTH DAY
(Tuesday, February 10, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend Mark A. Jorjorian, St. Michael's Episcopal Church, Austin, offered the invocation as follows:

O Lord God, grant those who hold office in this state the spirit of wisdom, charity, and justice that they may faithfully serve in their offices to promote the well-being of all people; the poor as well as the rich, the sick as well as the healthy, the weak as well as the strong. And grant O Lord, that those gathered here in this place, will be the guardians of the truth that all human beings stand equal before You. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
February 10, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 48, Commending the Honorable Dave Allred for his many important contributions to the people of Texas as a member of the Texas House of Representatives.

H.C.R. 50, Commending former Congressman Bob Eckhardt.

S.C.R. 13, In memory of Frank C. Erwin, Jr.

S.B. 58, Relating to an increase in benefits for certain annuitants of the Employees Retirement System of Texas.

H.B. 277, Relating to a supplemental appropriation to the Governors' Committee on Aging to help fund area agencies on aging programs.

H.B. 559, Relating to a supplemental appropriation to the Attorney General for the purpose of paying state employees' workers' compensation claims.

S.B. 209, Relating to an increase in benefits for certain annuitants of the Teacher Retirement System of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

PERMISSION TO RECORD VOTE

On motion of Senator Andujar and by unanimous consent, Senator Andujar was granted permission to be shown voting "Yea" on the following bills:

S.B. 1
S.B. 3
S.B. 58
S.B. 101
S.B. 209
S.B. 125
S.B. 48

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 272
S.B. 189
C.S.S.B. 175 (Read first time)
C.S.S.B. 271 (Read first time)

Senator Sarpalius, Acting Chairman, submitted the following report for the Committee on Human Resources:

S.B. 25 (Amended)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 172

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 466 by Sarpalius Economic Development
Repealing the requirements for notice of work performed by and bonding of
nonresident construction contractors.

S.B. 467 by Sarpalius	Education
Relating to acceptance by the board of regents of West Texas State University of a building to be donated for museum purposes.	

- S.B. 468** by Sarpalius, Ogg Jurisprudence
Relating to criminal trespass.
- S.B. 469** by Blake Intergovernmental Relations
Relating to the creation of the 270th Judicial District, composed of Shelby, Sabine, and San Augustine counties.
- S.B. 470** by Snelson Natural Resources
Relating to the cancellation of Patents located in a Block or System of Surveys which conflicts with Senior Patents in the same Block or System and the issuance of a Corrected Patents in conformity with the Block or System of Surveys.
- S.B. 471** by Snelson Human Resources
Relating to foster care for children in the conservatorship of the Texas Department of Human Resources.
- S.B. 472** by Mauzy Intergovernmental Relations
Relating to payroll deductions for certain insurance premiums and charitable contributions.
- S.B. 473** by Doggett State Affairs
Relating to the authority of the comptroller of public accounts to establish and operate an electronic funds transfer system for certain payees.
- S.B. 474** by Mengden Jurisprudence
Relating to the right to bail pending a motion for new trial, motion in arrest of judgment and appeal from a felony conviction for which the punishment assessed exceeds 10 years confinement; amending Sections (b) and (c), Article 44.04, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.
- S.B. 475** by Truan Education
Relating to the right to eat lunch for teachers actively engaged in the instruction of public school students.
- S.B. 476** by Truan Natural Resources
Relating to the regulation of the care and treatment of animals in animal exhibits of circuses, carnivals, and zoos; and providing a penalty.
- S.B. 477** by Truan, Vale, Education
Santiesteban, Uribe, Brooks
Relating to bilingual education programs in public schools.
- S.B. 478** by Travis Economic Development
Relating to persons who perform inspections of real property amending The Real Estate License Act, Chapter 216, Acts of the 64th Legislature, Regular Session, 1975, as last amended by Chapter 585, Acts of the 66th Legislature, Regular Session, 1979 (Article 6573a, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.
- S.B. 479** by Travis Economic Development
Relating to the issuance of special over-sized or overweight permits by the State Department of Highways and Public Transportation authorizing the transportation of one or more portable building units over the state highways

under certain conditions; adding a new Act. 6701a-2 to Title 116, Chapter 1, Revised Civil Statutes of Texas.

S.B. 480 by Traeger, Caperton, Natural Resources
Doggett, Brooks, McKnight
Relating to the licensing and regulation of radioactive material; providing penalties.

S.B. 481 by Harris Finance
Relating to motor vehicle sales and use tax on motor carriers.

S.B. 482 by Glasgow Economic Development
To amend Article 3.51-6, Insurance Code, to permit group accident and health insurance to cover former employees or members, their spouse and dependents; and declaring an emergency.

S.B. 483 by Farabee Intergovernmental Relations
Relating to the authority of political subdivisions to regulate the use of land near airports.

S.B. 484 by Williams Economic Development
Relating to the licensing and regulation of real estate brokers and real estate salesmen; amending The Real Estate License Act, as revised and amended; providing a repealing clause; providing for severability; and declaring an emergency.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following resolutions:

H.C.R. 35
H.C.R. 4

GUEST PRESENTED

The President presented Mr. Joe Kelly Butler, Chairman of State Board of Education, and welcomed him as a guest of the Senate today.

SENATE RESOLUTION 239

Senator Sarpalius offered the following resolution:

S.R. 239, Recognizing February 8 through 14, 1981, as National and Texas Vocational Education Week.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Sarpalius was recognized and introduced members of vocational education organizations seated in the gallery.

SENATE RESOLUTION 242

Senator Blake offered the following resolution:

S.R. 242, Welcoming the delegation of legislative staff from Nigeria, Cres. N. Ejionueme, Ahmad A. Kagara, Benjamin A. Enahoro, Captain N. I. Ikani, and Andrew O. Kayode.

The resolution was read and was adopted.

HOUSE CONCURRENT RESOLUTION 48

The President laid before the Senate the following resolution:

H.C.R. 48, Commending the Honorable Dave Allred for his service to the State of Texas.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
February 10, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS HISTORICAL COMMISSION:

For a six-year term to expire January 1, 1987:

MRS. H.R. (PEGGY) BRIGHT of Dallas, Dallas County, is replacing Miss Kathryn Duff of Abilene, Taylor County, whose term expired.

LOUIS P. TERRAZAS of San Antonio, Bexar County, is replacing Ed Leach of Longview, Gregg County, whose term expired.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

SENATE BILL 2 ON THIRD READING

Senator Blake moved that Senate Rules 12 and 89 be suspended and that S.B. 2 be taken up for consideration at this time on its third reading and final passage:

S.B. 2, Relating to disqualifications for benefits under the Texas Unemployment Compensation Act. (Submitted by Governor as emergency)

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Andujar, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Doggett, Kothmann, Mauzy, Parker, Santiesteban, Truan, Vale, Williams.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9.

Yeas: Andujar, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Doggett, Kothmann, Mauzy, Parker, Santiesteban, Truan, Vale, Williams.

SENATE BILL 234 ON SECOND READING

On motion of Senator Snelson and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 234, Relating to short form acknowledgments.

(Senator Brooks in Chair)

The bill was read second time and was passed to engrossment.

SENATE BILL 234 ON THIRD READING

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 234** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

(President in Chair)

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 15 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 15, Relating to authority to establish a foreign-trade zone in Rio Grande City.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 15 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 15 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 74 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 74, Relating to the election of the board of directors of the Wilson County Memorial Hospital District.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 74 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

SENATE BILL 221 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 221, Relating to the temporary diversion and use of water from an international stream by holders of water rights.

The bill was read second time and was passed to engrossment.

SENATE BILL 221 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.